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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,407	09/29/2003	Vivian Tempkins	140478	2406
26058 7590 07/17/2007 MICHAEL C. CESARANO FELDMAN GALE, P.A. 201 S. BISCAYNE BOULEVARD SUITE 1920 MIAMI, FL 33131			EXAMINER CHIN, PAUL T	
			ART UNIT 3652	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/605,407

Applicant(s)

TEMPKINS, VIVIAN

Examiner

PAUL T. CHIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments filed November 14, 2006 have been fully considered but they are not persuasive. **THIS ACTION IS MADE FINAL.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holden (4,953,603) (see PTO-892) in view of Hills (3,857,142) (see PTO-892).

Holden (4,953,603) discloses a device comprising a grasp ring (20a), an elongated member having two opposing strands (see Figs. 1 and 2) wherein one being shorter in length and the strands are releasably joined at each distal end. Holden (4,953,603) does not show the first strand having a seating channel and an arcuate surface. However, Hills (3,857,142) teaches in figures 4 and 6 showing the first strand having a seating channel and having an arcuate surface not more than 190 degree. Accordingly, it would have been obvious to those skilled in the art to provide a seating channel and an arcuate surface on the first strand of Holden (4,953,603) as taught by Hills (3,857,142) to firmly contain the second strand. It appears that figures 1 and 2 shows the grasping ring in a relaxed state.

Note that applicant recites the functional limitations of the device for using in the button and zipper handle, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to

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patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. It appears that Holden's device (4,953,603) may be capable of being applied in the large button or zipper.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Ring Zipper Pull Snap Hook (item No. K9807) (see PTO-892) or ZIP-IT ZIPPER PULL (see PTO-892) in view of Hills (3,857,142) (see PTO-892).

Zipper Pull Snap Hook (item No. K9807), distributed by Sammons Preston Company, shows a commercially available zipper puller comprising a grasp ring (see figure), an elongated tapered member having two opposing strands wherein one strand being shorter in length.

Similarly, ZIP-IT ZIPPER PULL, distributed by Wring Stuff, and Sammons Preston Company, shows a commercially available zipper puller comprising a grasp ring (see figure), an elongated tapered member having two opposing strands.

Either Zipper Pull Snap Hook (item No. K9807) or ZIP-IT ZIPPER PULL, does not show the first strand having a seating channel and an arcuate surface.

However, Hills (3,857,142) teaches in figures 4 and 6 showing the first strand having a seating channel and having an arcuate surface not more than 190 degree. Accordingly, it would have been obvious to those skilled in the art to provide a seating channel and an arcuate surface on the first strand of either Ring Zipper Pull Snap Hook (item No. K9807) or ZIP-IT ZIPPER PULL, as taught by Hills (3,857,142) to firmly contain the second strand. Note that applicant recites the functional limitations of the device for using in the button and zipper handle, a recitation of the intended use of the claimed invention must

result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The recited references would be capable of being applied in the button and zipper.

Response to Arguments

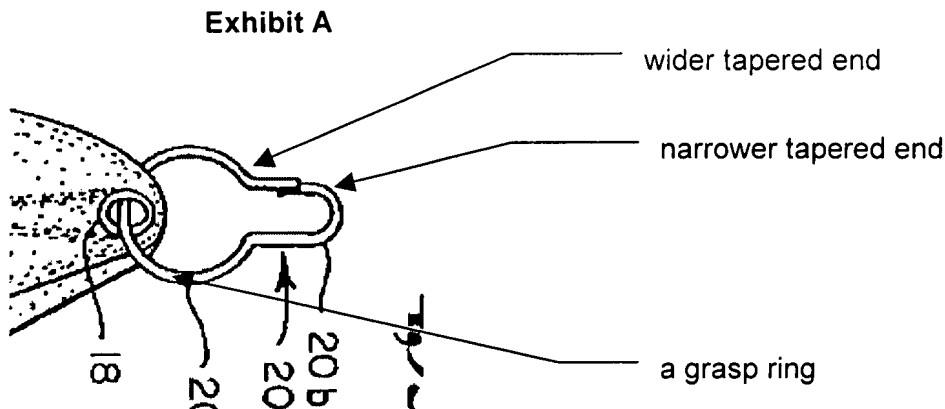
5. Applicant's arguments have been fully considered but they are not persuasive.

In response to applicant's argument that "applicant's device comprises a buttonhook and a zipper puller" and "a button hook may be inserted through a button hole and hooked around a button,said device forms a zipper puller when the first and second strands of the elongated portions are released" (last paragraph of claim 11), a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Note that Holden's device (4,953,603) in view of Hills (3,857,142) is capable of performing the functional limitations as recited in the claim. Similarly, either Ring Zipper Pull Snap Hook in view of Hills (3,857,142) or ZIP-IT ZIPPER PULL in view of Hills (3,857,142) is capable of performing the functional limitations as recited in the claim.

Applicant argues that Holder nor Hills nor either of the other cited references, teaches "an elongated portion being tapered toward the end opposite said grasp ring" (last paragraph of page 2).

Holden's device (4,953,603) in view of Hills (3,857,142)

Holden's device (4,953,603) substantially teaches that "an elongated portion being tapered toward the end opposite said grasp ring" (see Exhibit A).



Ring Zipper Pull Snap Hook in view of Hills (3,857,142) or ZIP-IT ZIPPER PULL in view of Hills (3,857,142)

Both Ring Zipper Pull Snap Hook and ZIP-IT ZIPPER PULL show "an elongated portion being tapered toward the end opposite said grasp ring" (see PTO-892).

Applicant also argues that "none of the cited art discloses "said terminus of said first strand being releasably held within said seating channel of said second strand against tension applied by said grasp ring" (3rd paragraph of page 3).

Hill's device, a secondary reference, teaches "the terminus of said first strand (34) being releasably held within said seating channel (24) of said second strand against tension applied by said grasp ring (see Figs. 5 and 6, and also see Col. 2, lines 62-64)".

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

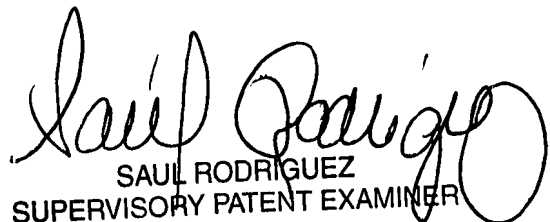
Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (571) 272-6922. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ptc

PTC


SAUL RODRIGUEZ
SUPERVISORY PATENT EXAMINER